

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Gilbert Clarke, c/o Irving
Rosenthal, Esq.

Docket #FIC81-198

Complainant(s)

July 8, 1982

against

City of Hartford and Police
Department of the City of
Hartford

Respondent(s)

The above captioned matter was heard as a contested case on February 9, 1982, at which time the complainant and the respondent police department appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondent police department is a public agency within the meaning of §1-18a(a), G.S.
2. The complainant's client, Gilbert Clarke, was arrested on June 12, 1981 and subsequently filed civilian complaints with the internal affairs division of the respondent police department against nine policemen involved in his arrest, processing and detention.
3. By letter of complaint filed with the Commission on December 8, 1981, the complainant alleged that the respondent police department had failed to provide him with reports, reviews and referrals related to the June 12, 1981 arrest, which records were requested by letter dated November 14, 1981.
4. At hearing, the respondent police department claimed that its internal affairs division is not a public agency and is therefore not subject to the jurisdiction of this Commission.
5. It is found that the internal affairs division of the respondent police department receives and investigates complaints regarding the conduct of the respondent department's employees.

6. It is found that the results of investigations conducted by the internal affairs division are reviewed and used by the respondent police department in the disposition of complaints such as the one filed by the complainant's client.

7. It is therefore found that the requested records, generated by the internal affairs division, were prepared, owned, used, received or retained by the respondent police department.

8. It is therefore concluded that the requested records, generated by the internal affairs division of the respondent police department, are public records or files of the respondent police department, as defined by §1-18a(d), G.S.

9. By letter dated November 14, 1981, the complainant made a request to the respondent police department for certified copies of the following documents relating to the June 12, 1981 arrest:

- a) the written reports of the investigation conducted by supervisory personnel of the internal affairs division;
- b) the review by the commanding officers of the involved officers and the investigating review board of the results of said investigation; and
- c) the referral of the police chief of a particular officer to the Department of Advocate for appropriate disciplinary action.

10. The respondent claims that the requested records are exempted from disclosure by §1-19(b)(2), G.S. as personnel or similar files, the disclosure of which would constitute an invasion of privacy.

11. It is found that the records in question were generated in response to allegations of misconduct on the part of employees of the respondent police department.

12. It is found that such records constitute the record of a non-criminal, police internal affairs investigation and the administrative disposition thereof, and relate directly to the conduct of the public's business.

13. It is further found that the records are contained in the internal affairs division files of the respondent police department, not in the personnel files of the respondent police department, and that such records serve a function distinct from the recording of data for personnel or similar purposes.

14. It is further found that due to the high degree of public accountability of police officers and to the legitimate and overriding interest of the public in the conduct of its police officers, the disclosure of the requested records would not constitute an invasion of personal privacy.

15. It is therefore found that the records in question are not exempt from disclosure under §1-19(b)(2), G.S.

16. It is therefore concluded that the requested records are public records subject to the disclosure requirements of §§1-15 and 1-19(a), G.S.

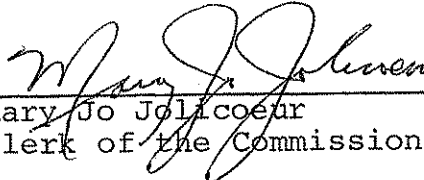
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The respondent police department shall forthwith provide to the complainant certified copies of the documents more fully described in paragraph 9 of the findings, above.



Commissioner Judith A. Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of July 28, 1982.



Mary Jo Jolicœur
Clerk of the Commission